



Patent Application

Docket No. 2000-0702.ORI

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Re App : Brian Hawtin  
Serial No. 09/701,140  
Filed : November 21, 2000  
For : FORMULATION

Date: February 7, 2005

Art Unit 1619

Exam: Lauren Q. Wells

**REQUEST FOR REFUND TO DEPOSIT ACCOUNT**

Mail Stop 16  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Dear Sir:

In reviewing a recent statement of our Deposit Account No. 50-0789, it was discovered that a charge of \$330 was made on January 13, 2005 by the Commissioner in the above-identified patent application. Presumably, this charge was applied for payment of the difference between the fee under 37 CFR \$1.136(a) for a two-month petition for extension of time and the fee for a one-month petitions for extension of time, which was included in a response filed December 22, 2004. Such a charge is believed to be in error, since the response of December 22, 2004 was filed within one month of the mailing of an Advisory Action dated November 23, 2004.

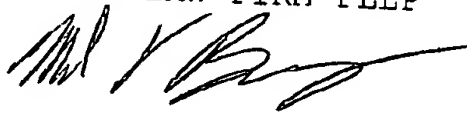
A Final Office Action was issued in this case on July 28, 2004. A response to the Final Office Action was filed on September

28, 2004 (Exhibit A). Since the reply was made within two months of the date of the Final Office Action, the shortened statutory period expires three months from the date of the final rejection or on the date the Advisory Action is mailed, whichever is later (See MPEP §706.07(f)). Here, an Advisory Action was indeed issued and was dated November 23, 2004, thus establishing the end date for the period to reply to the Final Office Action as November 23, 2004 (Exhibit B). On December 22, 2004, a Notice of Appeal was filed in response to the Advisory Action along with a Petition under 37 CFR §1.136(a) for a one-month Extension of Time, and the appropriate petition fee of \$120.

As a result, the undersigned respectfully requests that Deposit Account No. 50-0789 be credited in the amount of \$330 in view of the fact that the reply dated December 22, 2004 was filed within one month of the expiration of the shortened statutory period that was established by the November 23, 2004 mailing date of the Advisory Action.

Respectfully submitted,

HAUGEN LAW FIRM PLLP



Mark J. Burns, Reg. #46591  
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Minneapolis, MN 55402  
Phone: 612-339-8300

Attachment(s)

**TRANSMITTAL LETTER**  
**(General - Patent Pending)**

Docket No.  
2000-0702.ORI

In Re Application Of: **Brian Hawtin**

Application No.  
**09/701,140**

Filing Date  
**November 21, 2000**

Examiner  
**Lauren Q. Wells**

Customer No.  
**022476**

Group Art Unit  
**1617**

Confirmation No.

Title:

**FORMULATION**

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

**a Request for Refund to Deposit Account**

in the above identified application.

☒ No additional fee is required.

☐ A check in the amount of

is attached.

☒ The Director is hereby authorized to charge and credit Deposit Account No. **50-0789**  
as described below.

☐ Charge the amount of

☒ Credit any overpayment.

☒ Charge any additional fee required.

☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

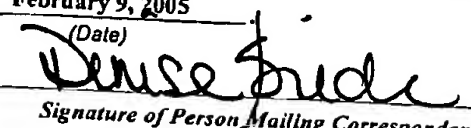
  
Signature

**Mark J. Burns**

Dated: **February 9, 2005**

**Best Available Copy**

cc:

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on	
February 9, 2005	(Date)
	
Signature of Person Mailing Correspondence	
Denise L. Siede	
Typed or Printed Name of Person Mailing Correspondence	